

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

Criminal Revision Case No.1700 of 2006

ORDER:

As there was no representation for the petitioner on 25.04.2018, the matter was directed to be listed today under the caption "For Dismissal". Even today, there is no representation for the petitioner. This Criminal Revision Case is of the year 2006. Therefore, without waiting for the counsel for petitioner to advance arguments, this Criminal Revision Case can be disposed of on merits.

2. This Criminal Revision Case, under Sections 397 & 401 of the Code of Criminal Procedure, 1973, is filed by the petitioner/accused, challenging the judgment, dated 05.12.2005, passed in CrI.A.No.95 of 2005 by the Metropolitan Sessions Judge, Vijayawada, whereby, the appeal was dismissed for non-payment of batta.

3. It is averred in the grounds of Revision that the judgment passed by the Court below is unsustainable under law and in the facts and circumstances of the case. The Court below ought not have dismissed the appeal filed by the petitioner/accused for non-payment of batta. It ought to have proceeded to determine the appeal on merits. The 1st respondent/de-facto complainant failed to prove the guilt of the petitioner/accused beyond reasonable doubt for the offence punishable under Section 138 of The Negotiable Instruments Act, 1881, and ultimately prayed to set aside the

conviction and sentence recorded against the petitioner/accused by the trial Court.

4. The impugned order reveals that the petitioner/accused was called absent and batta was not paid for taking out notice on the 1st respondent/de-facto complainant. Therefore, the appeal was dismissed for non-payment of batta. The Court below held that deciding the appeal on merits does not arise without service of notice on the 1st respondent/de-facto complainant. The impugned judgment is neither perverse nor against any settled legal principles. There is no miscarriage of justice. The Criminal Revision Case is devoid of merit and is liable to be dismissed.

5. Accordingly, the Criminal Revision Case is dismissed.

Miscellaneous petitions, if any, pending in this Criminal Revision Case, shall stand dismissed.

Dr. SHAMEEM AKTHER, J

26th April, 2018
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